

FREDERICK COUNTY PLANNING COMMISSION

November 12, 2014

TITLE: Green Valley Farm, Section I, Lots 1-4

FILE NUMBER: M-2923, AP 14538 (APFO N/A, FRO 14819)

REQUEST: **Sketch Plan (Non-Binding Approval)**
The Applicant is requesting non-binding Sketch Plan approval for a 4-lot Agricultural subdivision on a 3,900 foot long dead-end road system.

PROJECT INFORMATION:

ADDRESS/LOCATION: Located on the west side of Green Valley Road (MD 75), at the terminus of Arlington Mill Road

TAX MAP/PARCEL: Map 60, Parcel 39

COMP. PLAN: Agricultural/Rural

ZONING: Agricultural

PLANNING REGION: Walkersville

WATER/SEWER: No Planned Service

APPLICANT/REPRESENTATIVES:

APPLICANT: Larry Flickinger

OWNER: Larry Flickinger/Green Valley, LLC

SURVEYOR/ENGINEER: Vanmar Associates, Inc.

ARCHITECT: N/A

ATTORNEY: N/A

STAFF: Mike Wilkins, Principal Planner II

ATTACHMENTS:

EXHIBIT 1- Sketch Plan

STAFF REPORT

ISSUE

The Applicant is requesting Sketch Plan approval for a 4-lot Agricultural subdivision on a 6.30-acre property. The Sketch Plan process is offered to Applicants so that they may receive the opinion of the Planning Commission before committing to the preparation of Preliminary Subdivision plan.

In accordance with §1-16-59 of the Subdivision Regulations, the FcPc shall give its opinion regarding the sketch plan and may grant non-binding approval of the lot layout for the purpose of percolation testing only. The review of the sketch plan does not infer any special status on the plan, but is only to allow a subdivider to determine feasibility of the project prior to incurring extensive costs for surveying and engineering.

§1-16-59 (H-I) of the Subdivision Regulations outlines the items that the FcPc should review on sketch plan applications;

(H) The Planning Commission will in general be reviewing the sketch plan with regard to the following points:

- (1) Interior street configuration;*
- (2) Entrance locations (both new streets and driveways);*
- (3) Traffic effect on existing and proposed roads;*
- (4) Type of water and sewage system;*
- (5) Feasibility of a subdivision in the area:*
 - (a) Total number and size of lots;*
 - (b) Effect of building in school district, school bus service;*
 - (c) Approximate lot layout, parkland, reserved areas.*
- (6) New techniques in land development.*
- (7) Preservation of environmental features.*
- (8) Conformance with the Comprehensive Plan.*

(I) The Commission will be reviewing at a minimum the general suitability of design with regards to topography, drainage, erosion and vertical alignment of streets, and preservation of environmentally sensitive areas.

BACKGROUND

This 6.30 acre parcel is one of four separate parcels or tracts that make up the Green Valley, LLC farm, and is designated as parcel #2 in the deeds. Parcel #2 is legally described in the land records as of January 3, 1914. In accordance with §1-19-7.300 of the Zoning Ordinance, any agriculturally zoned parcel that existed as of August 18, 1976 is eligible to apply for a subdivision of 3 lots plus a remainder.

Parcel #2 has no previous subdivision activity, therefore this application for 3 lots and a remainder lot is considered a minor subdivision. Typically minor subdivisions are not reviewed or approved by the Planning Commission, however; this application has two issues that must be decided by the Planning Commission:

1. The proposed subdivision intends to access a 3,900 foot long dead-end road network that currently serves 41 lots. Per §1-16-236(K), subdivisions in the Ag and R1 zoning districts proposing access to an existing dead-end road that exceeds 1,800 feet in length and/or serves more than 30 lots require Planning Commission review and approval.
2. The proposed subdivision could be considered an expansion of a Rural Residential

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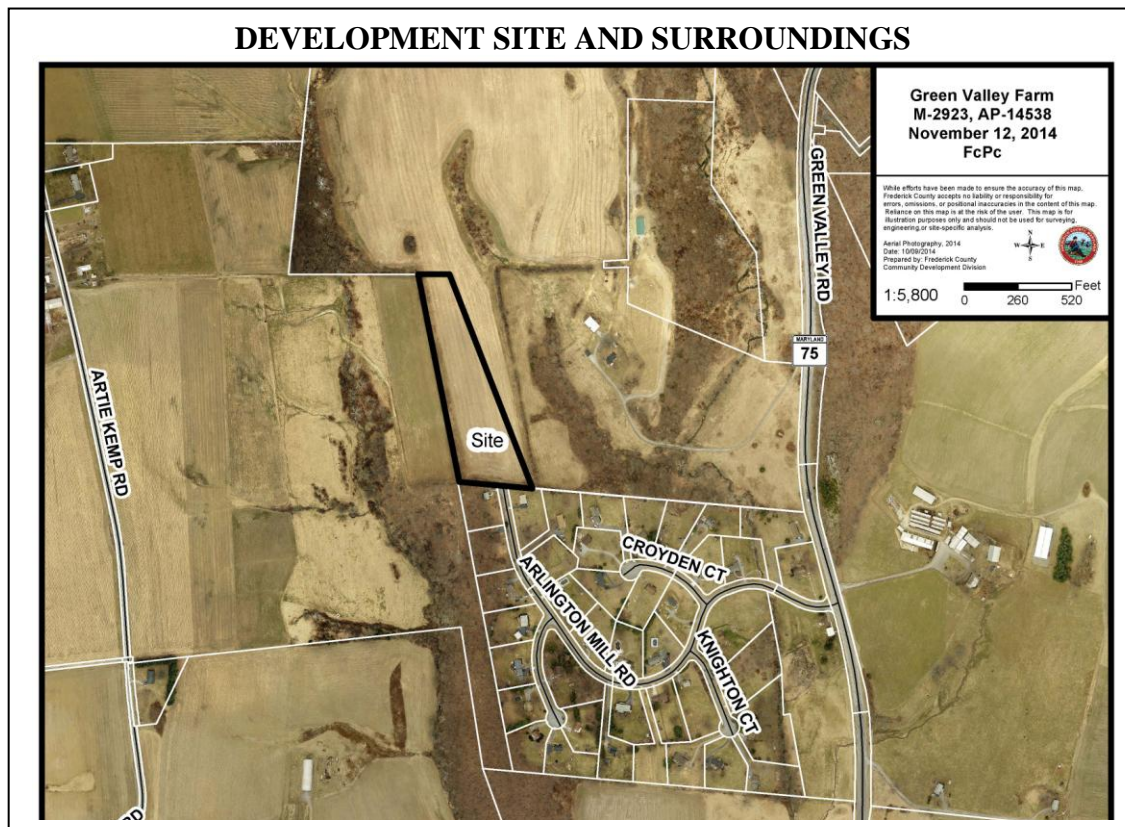
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development into adjoining farmland, which is contrary to the language in Comprehensive Plan.

Any decision that the Planning Commission makes on these two issues is non-binding. The Applicant will have to submit a Preliminary Plan to the Planning Commission in the future to obtain approval of the proposed road extension and a modification of §1-16-236(K) to permit new lots on a dead-end road that exceeds 1,800 feet in length and that serves more than 30 lots.

Existing Site Characteristics

Parcel #2, which is located in the southwest corner of the farm, is currently utilized for farming. There are no streams, forest, or wetlands within this parcel. Parcel #1, which lays between Parcel #2 and Green Valley Road, contains an extensive FEMA floodplain, forest, wetlands, and a significant stream (Town Branch).



ANALYSIS

A. § 1-16-59(H). Sketch Plan Review Criteria.

- (1) Interior street configuration;
- (2) Entrance locations (both new streets and driveways);
- (3) Traffic effect on existing and proposed roads;

The Applicant proposes to access the lots via Arlington Mill Road, which is an existing dead-end street network that is approximately 3,900 feet long and currently serves 41 lots (Winter Springs Estates, circa 1977). The Applicant proposes to extend Arlington Mill Road another 75 feet +/- into Parcel #2 and construct a cul-de-sac bulb, from which each new lot will have fee-simple road frontage. The driveway

for proposed Lot 1 would gain access directly off the proposed cul-de-sac to be constructed at the terminus of Arlington Mill Road, while a proposed common driveway would be utilized for Lots 2, 3, and Remainder Lot 4.

Sketch Plan Layout



Section 1-16-236(K) regulates development on dead-end streets;

(K) Subdivisions on cul-de-sac or dead end streets shall be permitted only if approved by the Planning Commission (or county staff) in accordance with this division, the Design Manual, and the following provisions, as applicable:

(1) For proposed development on new or existing cul-de-sac or dead end street(s), except existing dead end streets described in subsection (2) below, the following requirements apply:

(a) Applicant must demonstrate the existence of site specific circumstances that make the design and development of a through street practically infeasible.

(b) In the AG and R-1 zoning district, cul-de-sac or dead end street(s) shall not exceed 1,800 feet in length and shall not serve more than 30 lots, dwelling units, or parcels. The Planning Commission may approve development of a greater number of lots and/or on a longer cul-de-sac or dead end street if the Planning Commission considers the individual property characteristics and the goals and principles of § 1-16-234 as set forth below in § 1-16-236(K)(1)(c).

§ 1-16-234. GENERALLY.

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In designing highways, streets, roads, or common driveways, the subdivider shall be guided by the following principles.

- (A) Design to consider the context of the proposed land use, including the existing and proposed land development patterns on adjacent parcels.*
- (B) Design for opportunities to create interconnections between adjoining parcels.*
- (C) Provide for adequate vehicular and pedestrian access to all parcels.*
- (D) Design local residential street systems to minimize through traffic movement and to discourage excessive speed.*
- (E) Provide reasonable direct access from local street systems to the primary transportation system.*
- (F) Local transportation systems and land development patterns shall not conflict with the efficiency of bordering arterial routes.*
- (G) Provide for safety, efficiency, and convenience of all users of the transportation system.*
- (H) Pedestrian-vehicular conflict points shall be minimized.*
- (I) Design to preserve, enhance, or incorporate natural, community, and historic resources.*
- (J) Be suitably located and designed/improved to accommodate prospective traffic, emergency service vehicles, and road maintenance equipment.*
- (K) Sidewalk, street design, right-of-way and paving shall be in accordance with these regulations and the County Design Manual.*

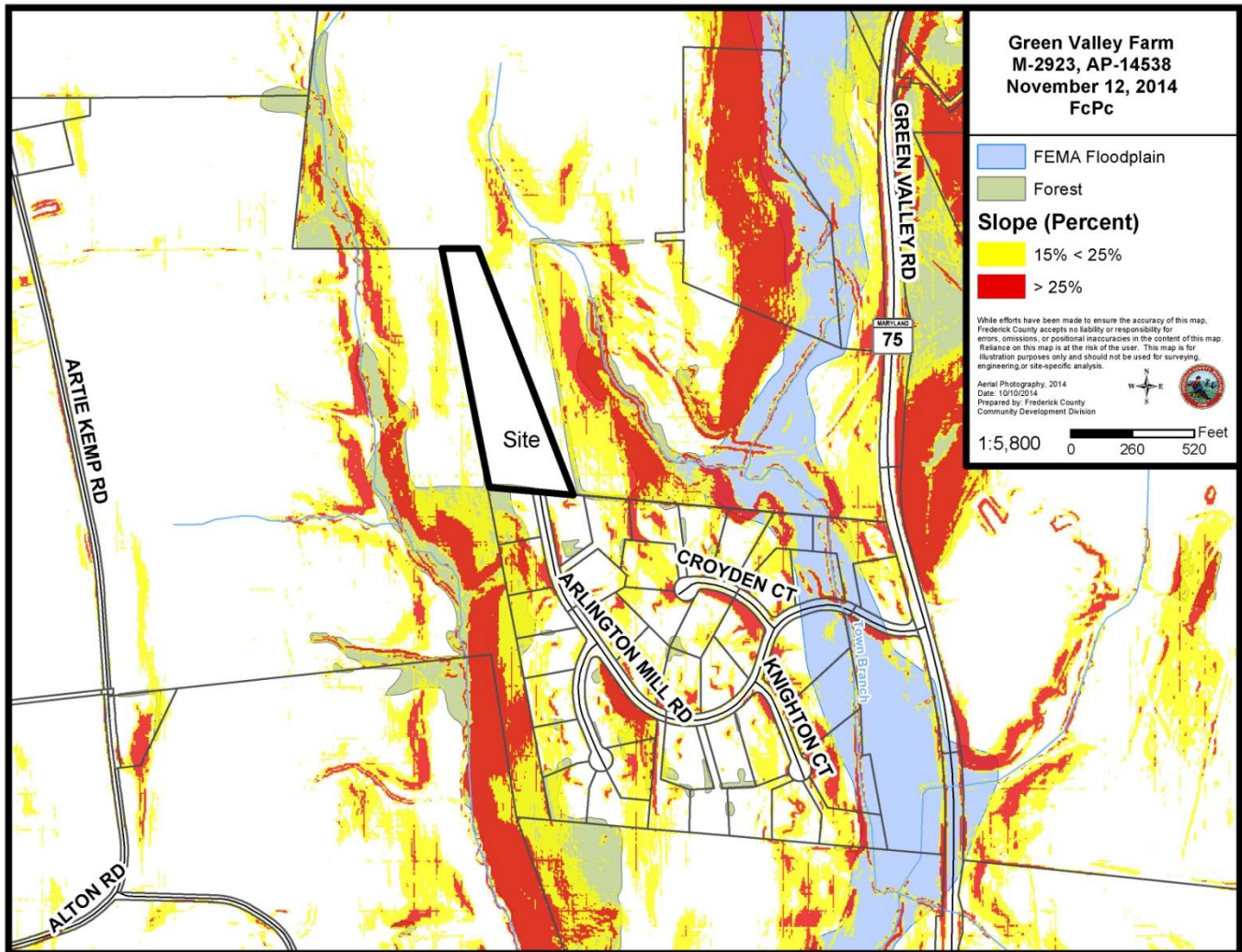
Staff has concerns with the proposed subdivision accessing Arlington Mill Road. Arlington Mill Road crosses a 100 year FEMA floodplain near the intersection with MD 75 (the area between road stations 2+00 and 5+50). According to the Applicant's surveyor the stream crossing is at an elevation of 402 feet, while the approximate flood elevation is 400.50 feet, a difference of only 1.5 feet. Environmental barriers such as this floodplain, as well as falling trees, utility poles, weather events, or vehicular accidents could limit residential and emergency services accessibility in and out of the development. Although this is an existing condition, increasing the number of dwelling units on the dead end street increases the potential safety risks and access concerns.

Although only 4 new lots are proposed to be added at this time, Staff is concerned that development of one or more of the other existing parcels of this farm could be proposed in the future. Access to Arlington Mill Road could be proposed as part of future parcel development, with the potential of 11 additional lots being added to the dead-end road system. The Applicant's first submittal of this plan proposed extending Arlington Mill Road 700 feet into the subject parcel, with a presumed intent to add even more lots to the dead end road at some point in the future. In response to Staff concerns the Applicant submitted the current Sketch Plan layout with only a 70 foot extension of the road, enough to facilitate the construction of a cul-de-sac bulb. In addition, the Applicant has added a note to the sketch plan stating "no additional lots from this farm will utilize Arlington Mill Road." Should the FcPc give a favorable opinion of this Sketch Plan, Staff recommends adding a condition to the approval in order to document this limitation.

There are some benefits to utilizing the proposed access onto Arlington Mill Road. Access directly from MD 75 to the proposed lots would require long panhandles (1,400-1,500 feet long) and a long common driveway that would require a stream crossing, removal of existing forest, and disturbance to wetlands and floodplain. Also, the Applicant is proposing to improve Arlington Mill Road with a cul-de-sac bulb, providing a much better turnaround for school busses, delivery vehicles, snow plows, and other users of the road.

The Applicant will have to submit a Preliminary Plan to the Planning Commission in the future to obtain approval of the proposed road extension and a modification of §1-16-236(K) to permit new lots on a dead-end road that exceed 1,800 feet in length and that serves more than 30 lots.

Environmental Features



(4) Type of water and sewage system;

The property has no planned water or sewer service. The lots will be served by private well and septic systems.

(5) Feasibility of a subdivision in the area:

- (a) Total number and size of lots;*
- (b) Effect of building in school district, school bus service;*
- (c) Approximate lot layout, parkland, reserved areas.*

All of the proposed lots meet the minimum 40,000 sq ft lot size requirement. The proposed minimum lot width (100 feet) and yard areas (40 foot front yard, 30 foot rear yard, and 10 foot side yard) meet Agricultural District requirements in accordance with §1-19-6.100 Design Requirements of the Zoning Ordinance. The lots range in size from 1.17 acres to 2.11 acres.

The proposed development is considered a minor subdivision and is exempt from APFO schools testing. Parkland dedication is not required for minor subdivisions. No reservations are proposed, but 0.21 acre of road dedication is proposed to facilitate the cul-de-sac.

(6) *New techniques in land development.*

No new techniques are being utilized.

(7) *Preservation of environmental features.*

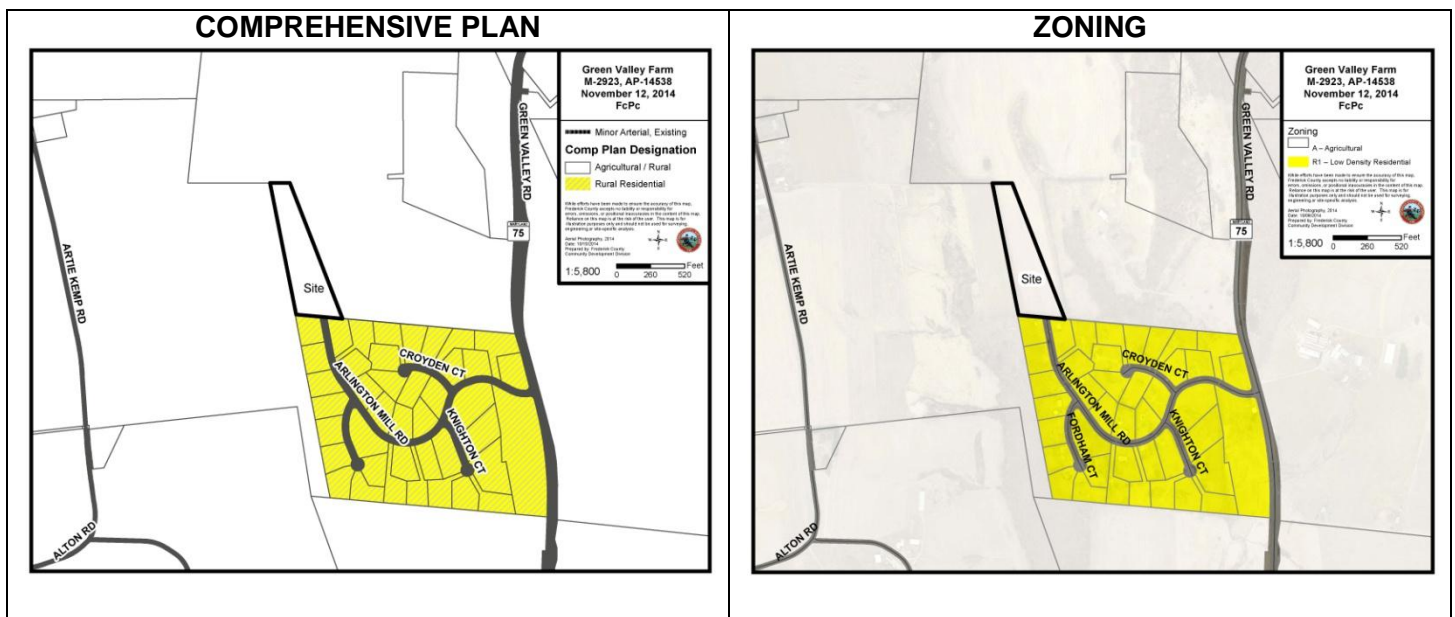
As noted earlier in this report, access directly from MD 75 would require long panhandles and a long common driveway that would require a stream crossing, removal of existing forest, and disturbance to wetlands and floodplain. The proposal to utilize Arlington Mill Road would eliminate all environmental impacts.

(8) *Conformance with the Comprehensive Plan.*

The subject property has an Agricultural/Rural Comprehensive Plan designation. Arlington Mill Road and the Winter Springs Estates subdivision have a Rural Residential Comprehensive Plan designation. The Comprehensive Plan describes the Rural Residential designation as follows:

The intent of this designation is to recognize areas of existing well/septic residential development, generally zoned R-1, and to distinguish these areas from residential development within Community Growth Areas. The designation would also apply to the county's rural subdivisions to insure that they are not expanded into surrounding farmlands.

The Planning Commission must determine if the extension of Arlington Mill Road into the subject property and adding four more building lots to the Winter Springs Estates street network is compatible with the Comprehensive Plan, specifically the provision underlined above regarding the expansion of rural subdivisions into surrounding farmland.



B. § 1-16-59(l). Sketch Plan Review –Additional Criteria.

(1) *The Commission will be reviewing at a minimum the general suitability of design with regards to topography, drainage, erosion and vertical alignment of streets, and preservation of environmentally sensitive areas.*

As discussed above, accessing the proposed lots from MD 75 would entail disturbance to environmentally sensitive areas. While Staff finds that the design is suitable “*with regards to topography, drainage, erosion and vertical alignment of streets, and preservation of environmentally sensitive areas*”, Staff notes that adding more lots to a 3,900 foot long dead-end road that already serves more than 30 lots is not ideal.

C. OTHER SUBDIVISION REGULATION REQUIREMENTS

- 1. Land Requirements §1-16-217 (A):** *The land use pattern of the Comprehensive Plan and the district regulations of the zoning ordinance shall form the basic theme of the design pattern of the proposed subdivision.*

The subject property has an Agricultural/Rural Comprehensive Plan land use designation, while the proposed access is within the Rural Residential land use designation. The proposed land use and subdivision design will comply with the Comprehensive Plan and will meet Zoning Ordinance requirements if the FcPc determines that the extension of Arlington Mill Road into the subject property and adding four more building lots to the Winter Springs Estates street network is compatible with the Comprehensive Plan restriction on extending Rural Residential developments into surrounding farmland.

- 2. Land Requirements §1-16-217 (B):** *The subdivision design shall take advantage of the uniqueness of the site reflected by topography, soils, the wooded areas, water bodies and the relationship to adjoining subdivisions and land uses, both proposed and existing.*

The site design takes advantage of the site topography, wooded areas, water bodies, and adjoining subdivisions, and land uses. The area of the proposed subdivision avoids the wet, low-lying areas of the site. There are no wet soils in or within 100 feet of the proposed subdivision. The stream valleys are not impacted. No forest clearing is proposed.

- 3. Lot Size and Shape. Panhandle Lots §1-16-219 (C)(1):** *Panhandle lots are permitted in minor subdivisions.*

Panhandles are proposed to serve Lots 2, 3, and 4-Remainder. Panhandles in minor subdivisions do not require a modification from the FcPc.

- 4. Water and Sewer Facilities. Public Facilities §1-16-12 (C):** *The proposed subdivision shall be disapproved unless each building lot has been approved for individual and/or community sewerage and water facilities by the Health Department.*

The property has a water and sewer classification of No Planned Service and must utilize private wells and septic systems. The percolation tests will be performed after the approval of this sketch plan. Wells must be drilled prior to lot recordation.

Subdivision Regulation Requirements Findings/Conclusions: The project will meet all Subdivision Regulation requirements if the Planning Commission finds that the proposed design complies with the Comprehensive Plan and once all agency comments and conditions are met.

D. OTHER APPLICABLE REGULATIONS

- 1. Stormwater Management – Chapter 1-15.2:** Stormwater management will be provided in accordance with the Maryland SWM Act of 2007. Stormwater management will be addressed with future plan submittals.

2. **APFO – Chapter 1-20:** This minor subdivision is exempt from APFO requirements.

3. **Forest Resource Ordinance – Chapter 1-21:** A Combined Preliminary/Final Forest Conservation plan has been submitted and is under review. The development site contains no forest. The Applicant proposes to meet the FRO requirements (approximately 2.40 acres) by placing a FRO easement over a portion of the existing forest in the floodplain and stream buffer, located between the subject parcel and MD 75. The FRO plan must be approved prior to the approval of a Preliminary Subdivision plan. FRO mitigation must be provided prior to lot recordation, grading permits, or building permits, whichever is applied for first.

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
Development Review Engineering (DRE):	Conditional Approval. Stormwater management review will be required in accordance to the 2007 MDE SWM Design Manual at a later phase.
Development Review Planning:	Hold. Must meet all agency and FcPc comments and conditions.
State Highway Administration (SHA):	Approved
Div. of Utilities and Solid Waste Mngt. (DUSWM):	N/A
Health Dept.	Hold. Septic areas and well locations must be staked. Percolation testing must be conducted.
Office of Life Safety	N/A
DPDR Traffic Engineering	Hold. Proposed access, while adequate in sight distance at MD 75, exceeds County standard for dead end system length and number of units.
Historic Preservation	N/A

RECOMMENDATION

The Planning Commission must determine if the extension of Arlington Mill Road into the subject property and the addition of four more residential lots to the Winter Springs Estates street network is compatible with the Comprehensive Plan's restriction on extending Rural Residential developments into surrounding farmland. The Planning Commission must also determine if four more lots should be added to a 3,900 foot long dead-end road network that currently serves 41 lots.

Staff recommends that the Planning Commission give its opinion regarding the sketch plan. The Planning Commission may or may not grant non-binding approval of the lot layout for the purpose of percolation testing only. The review of the sketch plan does not infer any special status on the plan, but is only to allow a subdivider to determine feasibility of the project prior to incurring extensive costs for surveying and engineering.

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable Subdivision, Zoning, APFO, and FRO requirements if the FcPc finds that the development meets the requirements of the applicable provisions within the Subdivision Regulations and Zoning Ordinance.

Should the Planning Commission grant non-binding approval of this application (M-2923, AP 14538), Staff recommends that the following items be added as conditions to the approval:

1. The Applicant shall comply with all Staff and agency comments through the completion of the **Green Valley Farm Sketch Plan, Section 1, Lots 1-3 and Remainder**

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plan.

2. The FRO plan must be approved, and FRO mitigation must be provided prior to lot recordation, grading permits, or building permits, whichever is applied for first.
3. No further subdivision of this farm shall be permitted to access Arlington Mill Road.
4. The Applicant shall submit a Preliminary Plan to the Planning Commission in the future to obtain approval of the proposed road extension and a modification of §1-16-236(K) to permit new lots in the Ag zone on a dead-end road that exceeds 1,800 feet in length and that serves more than 30 lots.
5. The common driveway must be constructed (minimum 12 foot width) prior to lot recordation in accordance with §1-16-109(D)(8).
6. The purchasers of the panhandle lots (2-4) are to be notified of the responsibilities of maintaining the common driveway.

PLANNING COMMISSION ACTION

MOTION

I move that the Planning Commission **[grant non-binding approval with conditions as listed in the staff report] OR [not grant non-binding approval]** for application M-2923 (AP 14538) the proposed Green Valley Farm, Section 1, Lots 1-3 and Lot 4-Remainder sketch plan, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.